

CCS SS SCS HB 683 -- TRANSPORTATION

This bill changes the laws regarding transportation.

TRANSPORTATION APPOINTEES (Sections 21.795 and 226.030, RSMo)

The position of Transportation Inspector General within the Joint Committee on Transportation Oversight is eliminated.

Currently, the two members of the Highways and Transportation Commission, one from each political party, who have the most seniority in commission service assume leadership positions with one as chair and the other as vice chair for a period of one year. At the end of the year, the chair and vice chair must rotate positions. The bill gives the chair and vice chair the option to rotate positions.

MOTOR VEHICLE TAX COLLECTION (Sections 32.095, 144.060, 144.070, 301.280, and 301.562)

Beginning January 1, 2012, the bill allows the Director of the Department of Revenue to appoint any motor vehicle dealer to act as an agent for the department for the purpose of titling and registering a motor vehicle at the time of the initial sale or lease. Beginning July 1, 2010, dealers may apply to the department director to collect the sales and use tax on all vehicles sold by the dealer. If authorized, the dealer must file a return and remit the tax collected, less a 2% timely filing deduction, to the department. Dealers will not be eligible for fee office fees or general revenue funds for collecting and remitting motor vehicle sales taxes. Dealers will be subject to the sales tax law under Chapter 144, RSMo, and must file a monthly sales tax report pursuant to Section 301.280.

DEPARTMENT OF REVENUE FEE OFFICE CONTRACTS (Section 136.055)

The Director of the Department of Revenue must award fee office contracts through a competitive bidding process. All fees collected by a tax-exempt organization may be retained and used by the organization.

MOTOR FUEL TAX (Section 142.800)

The bill specifies that the definition of "diesel fuel" for motor fuel tax purposes does not include biodiesel until the biodiesel is blended with other diesel fuel or sold for highway use.

PUBLIC-PRIVATE PARTNERSHIPS (Sections 144.054, 227.600, 227.615, 227.630, and 227.646)

The bill changes the laws regarding the Missouri Public-Private Partnerships Transportation Act by expanding the types of projects that may be included. Currently, the act is limited to the bridge project over the Mississippi River. The bill exclusively includes any pipeline, ferry, river port, airport, railroad, light rail, or other mass transit facility to be financed, developed, and/or operated under an agreement between the Highways and Transportation Commission and a private partner.

The commission is allowed to preliminarily approve a project it determines will improve and is a needed addition to the state transportation system. Upon this preliminary approval, the Joint Committee on Transportation Oversight must approve the project by a majority vote. Any other project must be approved by a vote of the people before it can be financed, developed, or operated by a private partner. Any private partner who has a project request disapproved can ask for a hearing to review the committee's determination. The "state transportation system" is defined as the state system of nonhighway transportation programs including, but not limited to, aviation, transit and mass transportation, railroads, ports, waterborne commerce, freight, and intermodal connections.

A sales and use tax exemption is authorized on all sales and purchases of tangible property, utilities, or services for use in public-private transportation projects; and any revenues received from a public-private project are exempt from state income tax. Upon completion of a project, the private partner may collect user fees by the traveling public or the direct beneficiaries of the project, but the collection of user fees from motor carriers is prohibited.

DRUNK DRIVING VICTIM MEMORIAL SIGN PROGRAM (Section 227.295)

The Department of Transportation is required to establish a drunk driving risk reduction awareness program to be known as "David's Law," including a drunk driving victim memorial sign program. The department must adopt, by rules and regulations, program guidelines for the application for and placement of signs including, but not limited to, the sign application and qualification process, the procedure for the dedication of signs, and procedures for the replacement or restoration of any signs that are damaged or stolen.

Any person may apply to the department to sponsor a drunk driving victim memorial sign in memory of an immediate family member who died as a result of a motor vehicle accident caused by a person who was shown to have been operating a motor vehicle in violation of an alcohol-related traffic law at the time of the accident. A person who is not a member of the victim's immediate family may

also make a request if he or she submits the written consent of a member of the victim's immediate family. The department will charge the sponsoring party a fee to cover the department's cost in designing, constructing, erecting, and maintaining the sign and its cost in administering the program. Signs will remain in place for 10 years and may be renewed for another 10 years after payment of the appropriate maintenance fees.

The signs developed by the department will feature the words "Drunk Driving Victim!", the initials of the deceased victim, the month and year in which the victim was killed, and the phrase "Think About It!".

No person, other than a department employee or designee, may erect a drunk driving victim memorial sign.

HEROES WAY INTERSTATE INTERCHANGE DESIGNATION PROGRAM (Section 227.297)

The bill establishes an interstate interchange designation program to be known as the Heroes Way Interstate Interchange Designation Program to honor fallen Missouri heroes who have been killed in action while in active military duty with the armed forces in Afghanistan or Iraq on or after September 11, 2001, and who were residents of this state at the time of their death.

Any person related by marriage, adoption, or consanguinity within the second degree to the military member who was killed may apply to the Department of Transportation for a designation by submitting:

- (1) An application in a form prescribed by the department director describing the interstate interchange for which the designation is sought and the proposed name of the interchange. The application must include the name of at least one current member of the General Assembly who will sponsor the designation;
- (2) Proof that the family member was a member of the United States armed forces and was killed in action while performing active military duty with the United States armed forces in Afghanistan or Iraq on or after September 11, 2001, and a signed form certifying that the applicant is related to the member; and
- (3) A fee to be determined by the Highways and Transportation Commission to cover, but not exceed, the costs of constructing and maintaining the proposed interstate interchange signs.

The department must submit for approval all applications for designations to the Joint Committee on Transportation Oversight. If satisfied with the application and all its contents, the joint

committee must approve the application. The joint committee must notify the department upon the approval or denial of an application for a designation. If the memorial designation request is not approved by the joint committee, 97% of the application fee must be refunded to the applicant.

Two signs will be erected for each interstate interchange designation. No interstate interchange may be named or designated after more than one individual, and a person will only be eligible for one designation.

The highway signs erected for any designation under the program must be erected and maintained for a 20-year period. After that period, the signs will be subject to removal by the department and the interstate interchange may be designated to honor another person. An existing designation processed under the program may be retained for additional 20-year increments if, at least one year before the designation's expiration, an application to the department is made to retain the designation along with the required documents and all applicable required fees.

MEMORIAL HIGHWAYS AND BRIDGES (Sections 227.310, 227.313, 227.320, 227.368, 227.402, 227.406, 227.407, and 227.410)

The bill designates the following street, memorial highways, and bridges:

- (1) The portion of State Highway 100 located in Franklin County from its intersection with State Highway 47 to the highway's connection with Interstate 44 as the "Veterans Memorial Highway";
- (2) The portion of State Highway 266 located in Greene County from North Missouri Road AB to one mile east as the "Dr. Martin Luther King Jr. Memorial Mile";
- (3) The portion of the state highway system which was designated as State Highway 47 as of January 1, 2009, within the city limits of the City of Washington as "Franklin Street";
- (4) The bridge over Interstate 44 on Business Loop 44 at Exit 127 in Laclede County as the "Specialist James M. Finley Memorial Bridge";
- (5) The bridge over the Gasconade River on State Highway 17 in Pulaski County as the "WWII Okinawa Veterans Memorial Bridge";
- (6) The portion of U. S. Highway 69 from the southern city limits of the City of Cameron to its intersection with Interstate 35 as the "CW2 Matthew G. Kelley Memorial Highway";

(7) The portion of Interstate 435 located in Jackson County from mile marker 63.4 to mile marker 54.2 as the "Lamar Hunt Memorial Highway"; and

(8) The portion of U. S. Highway 160 in Greene County from the intersection of Farm Road 142 to the intersection of West Sunshine Street as the "Rabbi Abraham Joshua Heschel Memorial Highway."

TRANSPORTATION OF RADIOACTIVE WASTE (Sections 260.392 and 260.750)

Entities which ship specified types of radioactive waste will be assessed a fee for the transportation of waste through or within the state. State-funded institutions of higher education will not be assessed a fee but must reimburse the State Highway Patrol for the actual cost to escort shipments, and federal government shipments of specified radioactive materials for military or national defense purposes are exempt.

For truck shipments of radioactive waste, the cost will be \$1,800 per cask with an additional surcharge of \$25 per mile for each mile over 200 that the truck travels in Missouri. Rail shipments of radioactive waste will cost \$1,300 for the first cask and \$125 for each additional cask. Low-level radioactive waste shipments will cost only \$125 per truck or train, although a shipper may negotiate an annual shipment fee. Fees must be collected by the Department of Natural Resources prior to shipment, and the shipper must provide advance notice of specified high-level radioactive waste shipments to the Governor's designee or to the department for low-level radioactive waste shipments pursuant to existing regulations. Failure to pay the fee or provide the required notice will result in a civil penalty not to exceed 10 times the amount assessed and not paid.

The revenue generated from the fees will be deposited into the Environmental Radiation Monitoring Fund, administered by the department, for specified purposes including inspections, escorts, security, emergency response, and oversight. The fund may retain \$300,000 at the end of the fiscal year with any excess being returned to shippers on a pro-rata basis based on a shipper's contribution to the fund for that fiscal year.

Beginning December 31, 2009, and every two years thereafter, the department must submit a report to the General Assembly on the income derived and the costs to enforce and administer these provisions.

ALL-TERRAIN VEHICLES (Section 301.010)

The bill revises the definition of "all-terrain vehicle" (ATV) as it relates to motor vehicle registration and licensing, vehicle equipment, and traffic regulations by increasing the vehicle's unladen dry weight from 1,000 pounds to 1,500 pounds and by specifying that an ATV is a vehicle with four or more nonhighway, instead of the current low pressure, tires and defines a "recreational off-highway vehicle" as any motorized vehicle manufactured and used exclusively for off-highway use which is 60 inches or less in width, with an unladen dry weight of 1,850 pounds or less, traveling on four or more nonhighway tires, with a nonstraddle seat and steering wheel which may have access to ATV trails.

REGISTRATION OF FLEET VEHICLES (Section 301.032)

The bill allows registered fleet owners the option of registering all motor vehicles included in the fleet on a biennial basis. An application for registration of a fleet vehicle must be accompanied by a certificate of inspection and approval issued no more than 120 days prior to the date of the registration application. Fleet owners may obtain fleet vehicle license plates bearing the company's name or logo for an additional one-time \$5 fee per vehicle.

TEMPORARY LICENSE PLATES AND EXPIRED LICENSE PLATES (Section 301.140)

Anyone purchasing a motor vehicle or trailer from a dealer must provide proof of financial responsibility to the dealer before the issuance of a temporary license plate.

The bill also allows individuals to possess expired license plates for a charitable purpose.

SPECIAL LICENSE PLATES (Sections 21.795, 301.165, and 301.3155)

The bill allows for the following special license plates:

- (1) Brain Tumor Awareness Organization; and
- (2) Armed Forces Expeditionary Medal.

The Joint Committee on Transportation's speciality license plate approval process is revised.

PRODUCTION OF LICENSE PLATE TABS (Section 301.290)

The bill extends from January 1, 2010, to January 1, 2011, the date that Correctional Enterprises within the Department of Corrections may erect and maintain all of the machinery and

equipment necessary for the manufacture of license plate tabs for the Department of Revenue.

MOBILITY MOTOR VEHICLE DEALERS (Section 301.571)

Mobility motor vehicle dealers are allowed to purchase new motor vehicles and equip them for retail sale as mobility motor vehicles but are prohibited from advertising the vehicles for resale until they are fitted or equipped as mobility motor vehicles.

PERMANENTLY DISABLED NOTATION ON DRIVER'S OR NONDRIVER'S LICENSE (Section 302.182)

The bill allows an individual who is permanently disabled to apply to the Department of Revenue to have a notation indicating that status on his or her driver's or nondriver's license. The department will establish the cost and criteria for the placement of the notation.

BOATER IDENTIFICATION CARD NOTATION ON DRIVER'S LICENSE (Section 302.184)

Any resident of this state possessing a boater identification card issued by the State Water Patrol may apply to the Department of Revenue to have a notation placed on the person's driver's or nondriver's license indicating that the person has complied with the applicable provisions of the law. The department can establish the cost and criteria for the placement of the notation. Any driver's or nondriver's license bearing a notation may be used for identification in lieu of a boater identification card.

DRIVER IMPROVEMENT PROGRAMS (Sections 302.302 and 476.385)

A court using a centralized violation bureau is allowed to provide an individual who has violated certain traffic violations the option of attending a driver-improvement program or motorcycle-rider training course in lieu of assessing points against the person's driver's license. The individual must verify his or her attendance as directed by the bureau when paying the required fines and court costs.

TRAFFIC FINE REVENUES (Section 302.341)

Currently, if a city, town, or village receives more than 45% of its total annual revenue from fines for traffic violations, all revenue from these violations in excess of 45% must be sent to the Department of Revenue. The bill reduces the amount to 35% of the annual general operating revenue but includes court costs for

traffic violations in the amount. The Director of the Department of Revenue is required to establish a procedure for the excess revenue to be sent to the department. If a city, town, or village disputes the determination that it has received excess revenue, it may submit to an annual audit by the State Auditor.

MOTOR VEHICLE VIOLATION PENALTIES (Sections 301.131, 301.150, 301.310, 301.420, 301.440, 301.716, 307.010, 307.015, 307.090, 307.120, 307.125, 307.155, 307.172, 307.173, 307.195, 307.198, 307.365, 307.375, 307.390, 307.400, 488.006, and 556.021)

The bill changes the laws regarding the penalties for certain violations of motor vehicle licensing, registration, and equipment provisions. In its main provisions, the bill:

(1) Changes the penalties for persons violating the provisions of Sections 301.010 - 301.440 regarding registration and licensing of motor vehicles. Currently, persons violating a provision of these sections can be found guilty of a class C misdemeanor and be subject to a fine of not less than \$5 or more than \$500 and/or imprisonment in the county jail for a term not exceeding one year. The bill reduces the penalty to an infraction with the same fines;

(2) Specifies that any person who willfully or knowingly makes a false statement on an application for the registration of a motor vehicle or trailer, or as a dealer, or in an application for or assignment of a certificate of ownership will be guilty of a class C misdemeanor;

(3) Changes a violation of the following from a misdemeanor to an infraction:

(a) Provisions of Sections 301.700 - 301.714 and Section 307.198 regarding all-terrain vehicles;

(b) Provisions regarding when materials fall off a vehicle, trailer, or semitrailer while being transported or carried;

(c) Provisions requiring vehicles to be equipped with mud flaps;

(d) Provisions of Sections 307.020 - 307.120 regarding vehicle spotlamp regulations;

(e) Provisions regarding the lighting or reflective marking requirements for animal-driven vehicles;

(f) Provisions of Sections 307.130 - 307.160 regarding vehicle safety glass;

- (g) Provisions regarding maximum vehicle bumper heights;
 - (h) Provisions regarding vehicle side window tinting;
 - (i) Provisions regarding the improper operation of a motorized bicycle;
 - (j) Provisions of Sections 307.350 - 307.390 regarding motor vehicle inspections; and
 - (k) Provisions of Section 307.400 regarding commercial vehicles and drivers of commercial vehicles;
- (4) Changes a violation of the following from an infraction to a class C misdemeanor:
- (a) Provisions of Section 307.365 regarding requirements of official inspection stations; and
 - (b) Provisions of Section 307.375 regarding inspections of buses used to transport children to or from school;
- (5) Requires Missouri courts, unless otherwise provided by law, to assess all court costs, fees, surcharges, and other miscellaneous charges for any infraction in the same manner and amount as for a misdemeanor;
- (6) Specifies that an offense is an infraction if it is designated as one or if a violation can result only in a fine, forfeiture, other civil penalty, or any combination thereof. A determination of whether an infraction has occurred will be made by the filing of a civil action. The action must be filed by a person who is authorized to bring a criminal action or an action to enforce an ordinance if the conduct constituted a crime or ordinance violation. The action will be brought in the name of the state or the appropriate political subdivision. An infraction violation must be proved by a preponderance of the evidence but must not be tried by a jury. If an infraction violation is proven, judgment must be entered for the plaintiff; and
- (7) Requires the driver of any vehicle or the rider of any animal traveling on a roadway to stop on the signal of any law enforcement officer and to obey any reasonable signal or direction of the officer given in the course of enforcing any infraction. Any person who willfully fails or refuses to obey any signal or direction or who willfully resists or opposes an officer in the proper discharge of his or her duties while enforcing any infraction will be guilty of a class A misdemeanor.

COMMERCIAL DRIVER'S LICENSES (Sections 302.545, 302.700, 302.735, 302.755, 302.775, and 311.326)

The bill prohibits the expungement of a minor in possession charge or for being found guilty with a blood-alcohol content of at least .04 for the holder of a commercial driver's license or a person operating a commercial motor vehicle when the violation occurred. Any person convicted for the first violation of an alcohol-related offense will be disqualified from driving a commercial motor vehicle for a period of not less than one year.

The Director of the Department of Revenue will disqualify a commercial driver's license holder or operator of a commercial motor vehicle as a commercial driver upon receipt of a conviction for an offense or failure to appear or pay. The disqualification will remain in effect until the department director receives notice that the person has complied with the requirement to appear or pay.

The state must immediately revoke a hazardous materials endorsement upon receipt of an Initial Determination of Threat Assessment and Immediate Revocation from the federal Transportation Security Administration and must revoke or deny a hazardous materials endorsement within 15 days of receipt of a final determination. The definition of "hazardous materials" is revised to be consistent with federal law and regulations.

The bill clarifies the commercial driver's license exemption for a farm vehicle by specifying that it must be operated by a farmer or his or her employee or family member while transporting agricultural products, machinery, supplies, or a combination of these within 150 miles to or from the farm and not used in the operations of a common or contract motor carrier.

Any person convicted for driving while out of service will be disqualified from driving a commercial motor vehicle in a manner prescribed by federal regulations instead of the current specified time period.

OPERATION OF GOLF CARTS OR MOTORIZED WHEELCHAIRS ON STREETS
(Section 304.034)

The governing body of any municipality by resolution or ordinance may allow a person to operate a golf cart or motorized wheelchair on any street or highway under its jurisdiction. A golf cart or motorized wheelchair cannot be operated at any time on any state or federal highway but may cross a portion of the state highway system which intersects a municipal street except at an intersection where the highway being crossed has a posted speed limit of more than 45 miles per hour.

A golf cart operated on a city street must be equipped with adequate brakes and must meet any other safety requirements imposed by the governing body but will not be subject to state registration provisions.

"Golf cart" means a motor vehicle designed and manufactured for operation on a golf course for sporting or recreational purposes that is not capable of exceeding a speed of 20 miles per hour.

TOWING ABANDONED VEHICLES (Section 304.155)

Currently, property is considered to be abandoned when it has been on the right-of-way of any highway or freeway in an urbanized area for 10 hours. Property on the right-of-way on any highway or freeway outside of an urbanized area is not considered abandoned until it has been on the right-of-way for 48 hours. The bill specifies that property outside of an urbanized area will be considered abandoned after it has been left unattended for 24 hours on the right-of-way of any state or interstate highway.

The bill also authorizes law enforcement officers to tow a vehicle abandoned by a person who eludes arrest for an alleged offense for which the officer would have taken the offender into custody and allows officers to immediately remove abandoned property from the right-of-way of any interstate, freeway, or state highway if the abandoned property is creating a traffic hazard. Currently, only the Department of Transportation is authorized to immediately remove a hazard from a state highway.

TRACTOR PARADES (Sections 304.170 and 304.260)

Tractors driven by licensed drivers during daylight hours on specified parade routes for fund-raising activities and other special community events involving tractors are exempt from certain width, height, length, and registration regulations with the approval of the Superintendent of the State Highway Patrol.

TRAFFIC CONTROL SIGNALS (Section 304.285)

The bill creates an affirmative defense for any person operating a motorcycle or bicycle who enters or crosses an intersection controlled by a traffic signal against a red light if the motorcycle or bicycle has been brought to a complete stop, the traffic signal shows a red light for an unreasonable time, the traffic signal is apparently malfunctioning or has apparently failed to detect the arrival of the motorcycle, and no motor vehicle or person is approaching or is so far away that it does not constitute an immediate hazard.

MOTOR VEHICLE SAFETY INSPECTIONS (Section 307.350)

Motor vehicles will be exempt from the state motor vehicle safety inspection requirement for the five-year period following their model year of manufacture. Vehicles registered in excess of 24,000 pounds for a period of less than 12 months will also be exempt. This exemption will not apply to a prior salvage vehicle immediately following a rebuilding process or to a motor vehicle that is required to undergo an inspection after being involved in an accident.

MOTOR CARRIERS (Section 387.040)

Motor carriers are exempt from filing schedules of rates, fares, and charges for shipments of household goods transported wholly or exclusively within commercial zones as defined in Section 390.020 or established by the Highways and Transportation Commission under Section 390.041.

ASSAULT OF A HIGHWAY WORKER (Sections 565.081 - 565.083)

The crime of assault of a law enforcement officer, emergency personnel, or probation and parole officer in the first, second, and third degrees is expanded to include a highway worker in a construction or work zone or a corrections officer.

The provisions of the bill regarding motor vehicle safety inspection exemptions become effective January 1, 2010.

The provisions of the bill regarding the notation of a permanently disabled person and a boater identification card holder on a driver's or nondriver's license will become effective July 1, 2010.

The provisions of the bill regarding fees on the transportation of radioactive waste will expire six years from the effective date.

The provisions of the bill regarding tractor parades contain an emergency clause.